

CITY OF CLAREMORE-ROGERS COUNTY

METROPOLITAN AREA PLANNING COMMISSION

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Prepared by: INCOG

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HOW TO USE THE ZONING ORDINANCE

The Zoning Ordinance regulates the use of land throughout the City of Claremore and parts of Rogers County by Zoning Districts. There are 35 Zoning Districts established within the Ordinance. These Districts include two (2) Flood Districts, four (4) Agriculture Districts, 14 Residential Districts, three (3) Office Districts, five (5) Commercial Districts, four (4) Industrial Districts, one (1) Scientific Research and Development District, one (1) Parking District, and one (1) Mining District.

Where the Zoning Ordinance imposes a greater restriction upon the use of structures or land or upon height or bulk of structures, or required open spaces or yards than is imposed by other ordinances, laws or regulations, the provisions of the Zoning Ordinance shall govern. However, nothing in this Ordinance shall be construed to prevent the enforcement of other ordinances, laws, or regulations, which prescribe more restrictive limitations.

The appropriateness of a Zoning District designation is determined by the following factors:

1. Is the zoning in conformance with the Comprehensive Plan? (**See Appendix D Zoning Matrix: Illustrating the Relationship Between Comprehensive Plan Map Categories and Zoning Districts.**)
2. Are the uses allowed in the District appropriate for the location?
3. Are the current or planned facilities sufficient to support such a use?

How to determine uses allowed in a particular Zoning District:

1. Go to the Chapter of the particular District of interest.
2. Note that Table 1 of that Chapter is where the primary Use Units permitted by Right (X) or by Special Exception (E) are listed. Use Units are groupings of uses that have similar characteristics. The various uses allowed within each Use Unit are described in Chapter 15, along with regulations and restrictions that are attached to the particular uses. (**Example: screening wall required between residential and commercial uses, parking requirements, etc.**) Table 2 of each Chapter lists the accessory uses allowed in a particular Zoning District.

OR

1. Turn to Appendix A: Use Unit Summary of Zoning Districts and locate the Zoning District listed across the top of the chart. The list down the left side enumerates and describes the Use Units.

2. Follow across the chart to determine which Use Units are allowed by Right (X), by Special Exception (E) or not at all (-) in the various Zoning Districts. Then proceed to Chapter 15 for further information relative to each Use Unit.

How to determine the Use Unit of a particular use and/or restrictions attached to a particular use:

1. Look up the use of interest in the alphabetic listing in Appendix B: Index of Land Uses to determine in which Use Unit the use is classified.
2. Proceed to Appendix A: Use Unit Summary of Zoning Districts. Go to the column on the left, locate the Use Unit of interest, proceed across the page to find the Zoning District or Districts in which that particular Use Unit is allowed.
3. Proceed to the appropriate Chapter for the Zoning District of interest for general use restrictions and then to the Zoning District for specific restrictions.
4. Note that Chapter 2, General Provisions, contains restrictions that apply to all Zoning Districts.
5. If parking, screening, or landscaping is required, these Chapters should also be reviewed.
6. If there is a difference or inconsistency between the Appendices and the text of the Zoning Ordinance Chapter, the text of the Zoning Ordinance controls.

How to determine Zoning District Designation and applicable regulations:

1. Check the Official Zoning Map to discover the Zoning District designation applicable to the tract of land in question.
2. Then proceed as described above in the section, "How to determine uses allowed in a particular Zoning District."

In General:

To get a complete picture of any use including any restrictions that apply, follow these steps:

1. Refer to Chapter 15, Use Units;
2. Follow the references to other chapters for information regarding parking, signs, landscape, etc.;
3. Refer to Chapter 2, General Provisions, which applies to uses and Chapters throughout the Zoning Ordinance.

Planning Commission (PC):

1. The City of Claremore-Rogers County Metropolitan Area Planning Commission (PC) is an eight (8) member board with four (4) members appointed by the Claremore City Council and four (4) members appointed by the Board of Commissioners of Rogers County. The Mayor or the Mayor's designee and Chairperson of the Rogers County Board of County Commissioners or such other County Commissioner as designated by the Chairperson may also serve as ex-officio voting members.
2. Responsibilities of the PC:
 - Hold public hearings on requests for Zoning Map or Zoning Ordinance text amendments and make recommendations to approve or deny requests;
 - Review requests for approval of subdivision plats, replats and lot splits and approve or approve with conditions;
 - Hold public hearings on amendments to the Comprehensive Plan and approve or deny an amendment, which is then subject to acceptance by the governing body.

Board of Adjustment (BOA):

1. The City of Claremore and Rogers County each has a separate Board of Adjustment that is a five (5) member board appointed by the Claremore Mayor and City Council or Rogers County Board of Commissioners.
2. Responsibilities of the BOA are to:
 - Hold public hearings on appeals from a Zoning Ordinance determination by the Zoning Officer;
 - Hold public hearings on requests for a Variance from the Zoning Ordinance or a Special Exception use; and
 - Hold public hearings to make interpretations of the Zoning Map and/or Zoning Text.

Relationship of the Comprehensive Plan to the Zoning Ordinance:

The Comprehensive Plan provides:

1. An inventory of the physical resources of the City or County;
2. A plan for the physical development of the City or County;

3. Specific goals, objectives and policies to be used as a guide for future development; and
4. An illustration of the officially adopted future land use plan, a capital improvement program and standards for future development of land use, transportation, parks, public facilities and utilities.

The Comprehensive Plan is an official guide for orderly development and a general policy guide for promoting the health, welfare and convenience of the public and private sectors. The basis for the Plan is a review of the development trends, existing land use, and goals of the citizenry.

The Comprehensive Plan Map illustrates optimum future land use. This Comprehensive Plan Map and current land use (referred to as "physical facts") are the basis for the development of the Zoning Map. The Zoning Map is a portion of the Zoning Ordinance that delineates Zoning District designations. Additionally, the Plan Map is used as a guide by the Planning Commission and governing body when considering amendments to the Zoning Map.

Zoning is the regulation of the use of land. The Zoning Ordinance establishes specific land use regulations that are described in the text of the document that follows. The application of the Zoning Ordinance is a major means of achieving the goals of the Comprehensive Plan.

Zoning regulations are applied to a particular tract of land and adopted by ordinance in the City or resolutions in the County. The Comprehensive Plan, adopted by ordinance or resolution, is a statement of policy, which establishes the guidelines within which the City and County will develop.

Amendments to the Zoning Map:

A Zoning Map amendment may be initiated by application of the property owner, at the initiative of the Planning Commission or upon a request by the governing body to the Planning Commission. A public hearing is held to consider the request and a recommendation is made by the Planning Commission to the governing body whether to approve or deny the request. If approved, any uses allowed in the new Zoning District would then be allowed by Right on that land within the restrictions established by the Zoning Ordinance.

Special Exceptions and Variances:

Applications for Special Exceptions or Variances are taken by the BOA. The decision of the BOA is made through the public hearing process.

Decisions of the BOA, unlike those of the Planning Commission, are final. An appeal of a BOA decision must be filed with the district court within ten (10) days of the BOA decision.

The procedures for approval of a Special Exception or Variance differ from a zoning amendment in that a zoning amendment allows all uses permitted in the District by Right within the restrictions established for that District. A Special Exception allows a specific use to be permitted that is not otherwise permitted by Right. The BOA may specifically permit a particular Special Exception use while excluding other such uses and also include conditions of approval which are specified in the Zoning Ordinance or as otherwise determined by the Board to be necessary. Special Exception uses which may be considered by the BOA are stated in the Zoning Ordinance.

A Variance is a grant of relief from the Zoning District regulation as approved by the BOA. Variances are considered when due to unique physical characteristics of the tract of land (size, shape, topography or circumstances peculiar to that tract) the literal application of the Zoning Ordinance would result in an unnecessary hardship. Only the County Board of Adjustment is permitted by Oklahoma State Statutes to allow Use Variances.

Variances and Special Exceptions can only be approved if it is found that allowing such requests would not be detrimental to the public health, safety and welfare and would not impede the implementation of or be in conflict with the intent of the Comprehensive Plan.

Zoning Ordinance Amendment Inventory:

From time to time the Zoning Ordinance text will be amended. It is generally not economically feasible to reprint an entire copy of the Ordinance each time this occurs. For this reason the Zoning Ordinance Amendment Inventory has been included with this document. This simplifies the process of checking to see if sections of interest have been amended.

Copies of ordinances or resolutions listed in the Amendment Inventory that amend the Zoning Ordinance are available from the City Clerk or County Clerk.

Complaints, Violations or Questions:

Complaints or questions relative to zoning violations should be directed to the Zoning Officer. Violations of the Zoning Ordinance are punishable by fine, imprisonment or both upon conviction.

CHAPTER 1

TITLE, PURPOSE, APPLICATION, INTERPRETATION, JURISDICTION AND CODE OF ETHICS

- 100. Title, Adoption and Citation
- 101. Purpose
- 102. Application and Exemptions
- 103. Interpretation
- 104. Jurisdiction
- 105. Code of Ethics

SECTION 100. TITLE, ADOPTION AND CITATION

This Ordinance, in pursuance of the authority granted by the Legislature of the State of Oklahoma in Title 11, Chapter 7, Section 401-410 of the Oklahoma Statutes and in Title 19, Oklahoma Statutes Annotated, Sections 866.35, shall be known as the City of Claremore-Rogers County Metropolitan Area Zoning Ordinance and may be cited as such and is referred to herein as "the Zoning Ordinance" or "these Regulations". The Ordinance was originally adopted July 2, 1968 and amended as herein stated.

SECTION 101. PURPOSE

A. General Purposes

1. The Regulations contained herein are necessary and are established for the purposes of promoting the health, safety, convenience, morals, prosperity, order and general welfare of the community.
2. To provide for adequate and convenient open spaces for transportation, vehicular parking, utilities, access for emergency vehicles, recreation, and light and air for the avoidance of congestion of population. Additionally, these requirements seek to secure adequate police protection, schools, and other necessary public facilities.
3. The application of these Regulations seeks to encourage the development of the community in accordance with the Comprehensive Plan.

B. Sign Purposes

1. Signs are used to inform and persuade the general public.
2. These Regulations establish minimum standards to promote life, health, safety, welfare, convenience and enjoyment for the public by regulation of the design, quality of materials, construction, location, electrification and maintenance of all business signs and outdoor advertising signs visible from the public right-of-way.
3. The general objectives of these standards are:
 - a. Safety. To promote the safety of persons and property by providing that signs:
 - 1) Do not create a hazard due to location, collapse, fire, collision, decay or abandonment;
 - 2) Do not obstruct fire fighting or police surveillance; and
 - 3) Do not create traffic hazards by confusing or distracting motorists, or by impairing the driver's ability to see pedestrians, obstacles, other vehicles, or to read traffic signs.
 - b. Communications Efficiency. To promote the efficient transfer of information in sign messages.
 - c. Landscape Quality and Preservation. To protect the public welfare and to enhance the appearance of the City of Claremore and Rogers County.

C. Landscape Purposes

The purposes of the landscape requirements are:

1. To implement the Comprehensive Plan;
2. To promote beautification and to contribute to the quality of life by:
 - a. Maintaining compatible relationships between uses;
 - b. Promoting reasonable preservation and replenishment of valued trees and vegetation;

- c. Aiding in establishing the ecological balance by contributing to air purification, oxygen regeneration, ground water recharge and storm water runoff retardation; and
- d. Developing and maintaining a meaningful urban forest while permitting economically feasible urban development to occur.

SECTION 102. APPLICATION AND EXEMPTIONS

A. Application

- 1. These Regulations divide the City of Claremore and Rogers County into Zoning Districts and establish regulations which restrict the height, number of stories, and size of buildings and other structures; the size of yards, courts and other open spaces; the density of population and the location and use of buildings, structures and land for trade, industry, residence and other purposes.
- 2. These Regulations shall not be interpreted as a means to prevent the application of or adherence to other appropriate codes of the City or County.

B. Exemptions

- 1. Other provisions of these Regulations to the contrary notwithstanding shall not apply in the **unincorporated** parts of Rogers County to transportation, communication, and utility facilities which utilize public rights-of-way or easements customarily provided in subdivision plats, or the following uses, exempt under the provisions of 19 O.S. Section 866.16 and 866.30:
 - a. Erection and use of the usual farm building for agricultural purposes;
 - b. Planting of agricultural crops;
 - c. Extraction of oil and gas; and
 - d. Acquisition of property or easements for the installation, construction, maintenance, or use of structures, facilities, and property of electric cooperatives or public utilities subject to the jurisdiction of the Corporation Commission of the State of Oklahoma, or other similar State or Federal body.
- 2. Other provisions of these Regulations to the contrary notwithstanding, shall

not apply to the following uses in the **incorporated** parts of the City of Claremore, which shall be exempt under the provisions of 11 O.S. Sections 402 and 410:

- a. Telephone exchange buildings; and
 - b. Property of any railway company or terminal company.
3. See also Chapter 15, Section 1531, Oil and Gas Extraction.

SECTION 103. INTERPRETATION

A. Validity of Other Laws

1. Where these Regulations impose greater restrictions upon the use of structures or land or upon height or bulk of structures, or require larger open spaces or yards than are imposed by other ordinances, laws, or regulations, the provisions of these Regulations shall govern.
2. The provisions of these Regulations providing for the residential use of property, and providing for limitations on occupancy, density and intensity of such uses, shall be applied equally and without discrimination based on race, age, color, religion, sex, handicap, familial status or national origin consistent with the provisions of the Federal Fair Housing Act.
3. All regulations, ordinances, orders, resolutions or parts thereof in conflict with these Zoning Regulations are hereby repealed.

B. Severability

In case any portion of these Regulations shall be invalid or unconstitutional, as declared by a court of competent jurisdiction, the remainder of these Regulations shall not thereby be invalid, but shall remain in full force and effect.

C. Tense and Definition

1. For the purpose of these Regulations certain terms and words are to be used and interpreted as defined in Chapter 21, Definitions.
2. Words used in the present tense shall include the future tense; words in the singular number include the plural and words in the plural number include the singular which shall be applicable except where the natural construction of the writing indicates otherwise.

3. Furthermore, the word "shall" is mandatory and not directory.
4. "Claremore" shall mean the City of Claremore.

D. Inconsistency between Appendices and Text

Should there be an inconsistency or difference between the Appendices and the text of the Zoning Ordinance Chapters, the text of the Zoning Ordinance shall control.

SECTION 104. JURISDICTION

A. Territorial Jurisdiction

These Regulations shall be in full force and effect in the corporate limits of the City of Claremore and designated portions of Rogers County, Oklahoma.

B. Annexed Territory

1. All territory that is de-annexed by the City of Claremore after the effective date of these Regulations, if it has prior thereto been zoned by the City, shall thereupon be placed in the same or most nearly corresponding Zoning District classification under these Regulations until otherwise classified.
2. All territory that is de-annexed by the City of Claremore after the effective date of these Regulations, if it has not prior thereto been zoned by the City, shall be an AR Agriculture Residential District, unless otherwise classified by the Board of County Commissioners at the time of deannexation.
3. All territory that is annexed by the City of Claremore after the effective date of these Regulations, if it has prior thereto been zoned by the County, shall thereupon be placed in the same or most nearly corresponding Zoning District classification under these Regulations until otherwise classified by amendment of these Regulations.
4. All territory that is annexed by the City of Claremore after the effective date of these Regulations, if it has not prior thereto been zoned by the County, shall be an AR Agriculture Residential District unless otherwise classified at the time of annexation by the City Council.

- C. In the event there is an area within the incorporated area of the City of Claremore on the Zoning Map for which the Zoning District classification is not shown, the area in question shall be classified by the City Council upon recommendation and review by the City of Claremore-Rogers County Metropolitan Area Planning Commission.
- D. In the event there is an area within the unincorporated area of Rogers County under the jurisdiction of the Planning Commission for which the Zoning District classification is not shown, the area in question shall be classified by the Rogers County Board of Commissioners upon recommendation and review by the City of Claremore-Rogers County Metropolitan Area Planning Commission.
- E. In the event there is an area that is annexed or otherwise included under the jurisdiction of the City of Claremore-Rogers County Metropolitan Area Planning Commission in the unincorporated area, the Board of County Commissioners shall establish the Zoning District classification for such case after review and recommendation by the Planning Commission.
- F. In the event there is an area that is annexed or otherwise included under the jurisdiction of the City of Claremore-Rogers County Metropolitan Area Planning Commission in the incorporated area, the City Council shall establish the Zoning District classification for such case after review and recommendation by the Planning Commission.

SECTION 105. CODE OF ETHICS

- A. The Mayor or any member of the City Council, Rogers County Board of Commissioners, Planning Commission, or Board of Adjustment, to whom some private benefit, direct or indirect, financial or otherwise, may come as a result of a public action concerning these Regulations shall not be a participant in that action.
- B. The possibility, not the actuality, of a conflict shall govern.
- C. The individual experiencing a conflict of interest shall declare such interest, abstain from voting on the matter, and refrain from any deliberations on the matter. The individual shall not discuss the matter with a fellow official for the purpose of influencing a decision thereon.